UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN WATSON, DANIEL SAMARGHITAN, ANNMARIE GREENE f/k/a ANNMARIE MOHAMMED, JOSE ESPINAL, LYMELL JACKSON, individually, and on behalf of all others similarly situated,
 	
       Plaintiffs,
vs.
 	
LEXUS OF MANHATTAN,
 	
       Defendant.
	Case No.: 1:20-cv-04572-LGS
	
	MOTION TO STRIKE / DISREGARD
	
	Defendant shall file a response to Plaintiff's motion to strike by **July 13, 2022**, which shall not exceed six pages in length. Plaintiff shall not file a reply.
	
	So Ordered.
	
	Dated: July 6, 2022
	New York, New York
	
	LORNA G. SCHOFIELD
	UNITED STATES DISTRICT JUDGE

Comes now, Plaintiff, Brian Watson, by and through undersigned counsel, respectfully submits this Motion to Strike Exhibit M of Defendant's Opposition to Plaintiff's motion for class certification and Defendant's Exhibit T to Defendant's *Daubert* motion for Defendant's failure to disclose the witness during the course of discovery.

"If a party believes that there is something wrong with an affidavit, exhibit, or other document – and if the party believes that, because of that problem, the Court should ignore the affidavit, exhibit, or other document – then the party should simply say that." *Moreno v. Wells Fargo Bank, N.A.*, 2020 U.S. Dist. LEXIS 10577, at *9 (D.Minn. Jan. 22, 2020). In this case, Defendant filed a declaration from a third party, Craig L. Davis, in both its *Daubert* Motion and Opposition to Class Certification. During the course of discovery, Defendant never disclosed Mr. Davis or his employer, LexisNexis, as a witness in either initial disclosures or expert disclosures.